

REMARKS

The September 25, 2007 Final Office Action was based on pending Claims 1-20. With the present Response, Applicant has amended Claims 1, 7 and 17 and cancelled Claim 6. Thus, Claims 1-5 and 7-20 remain pending for consideration.

Rejection of Claims 1-20 Under 35 U.S.C. § 103(a)

The Office Action rejected Claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,120,604 to Maari ("Maari") in view of U.S. Patent No. 6,493,761 to Baker ("Baker"). Applicants respectfully traverse the rejection; however, to expedite prosecution, Applicants have amended Claims 1, 7, and 17 and cancelled Claim 6 without prejudice. Applicants reserve the right to prosecute previous versions of all amended and canceled claims in future patent applications.

Claim 1

Claim 1 has been amended to recite, among other things,

1. A method . . . comprising:
 - receiving a content distribution request . . . ;
 - retrieving a digital content item . . . ;
 - creating on demand a first encryption algorithm for encrypting the digital content item;
 - configuring a protocol parsing engine to encrypt the digital content item, using the first encryption algorithm;
 - encrypting the digital content item . . . ; and
 - transmitting the encrypted digital content item

Maari, alone or in combination with Baker, fails to teach or suggest the elements of amended Claim 1. For example, Maari and Baker fail to teach or suggest, among other things, "creating on demand a first encryption algorithm for encrypting the digital content item."

In contrast, Maari merely teaches a "digital content distribution control method" that "encrypt[s] and . . . transmits . . . digital content" to a user's player. Maari, Abstract; Fig. 1. According to Maari, "the encryption to be used depends on which type of encryption a . . . player . . . corresponds to." Id. at col. 9:27-29. For example, "if the . . . player . . . corresponds to common-key encryption," common-key encryption is used, or

"[i]f the . . . player . . . corresponds to public-key encryption," public-key encryption is used. See id. Maari therefore teaches using either common or public key encryption based on the type of key employed by the user's player. Accordingly, Maari fails to teach or suggest "creating on demand a first encryption algorithm for encrypting the digital content item." In addition, Baker fails to teach or suggest the features of amended Claim 1 not taught or suggested by Maari.

For at least these reasons, Applicant asserts that Claim 1 is not obvious in view of Maari and Baker, alone or in combination. Applicant therefore respectfully submits that Claim 1 is patentably distinguished over the cited references. Claims 2-5 depend from Claim 1 and are therefore patentable for at least this reason. Claims 2-5 are also patentable due to the unique combination of features recited therein. Therefore, Applicants respectfully request allowance of Claims 1-5.

Claim 7

Claim 7 has been amended to recite, among other things,

7. A method . . . comprising:
 - requesting from a content provider access to encrypted digital content;
 - receiving from the content provider decryption information comprising a decryption algorithm created on demand by the content provider;
 - decrypting the encrypted digital content using the decryption information;
 - accessing the decrypted digital content; and
 - deleting the decryption information.

Maari, alone or in combination with Baker, fails to teach or suggest the elements of amended Claim 7. Maari merely teaches that the player can "[have] a common-key encoding/decoding circuit 24 for decrypting encrypted digital content" and a "public-key encoding/decoding circuit." See id. at col. 5:4-7; 5:24-29. Maari also teaches that an "administration center" can "transmi[t] . . . [a] common key . . . to the player." See id. at col. 9:56-58. Therefore, Maari fails to teach or suggest, among other things, "receiving from the content provider decryption information comprising a decryption algorithm created on demand by the content provider."

As Baker fails to teach or suggest the features of amended Claim 7 not taught or suggested by Maari, Applicant asserts that Claim 7 is not obvious in view of Maari and Baker, alone or in combination. Applicant therefore respectfully submits that Claim 7 is patentably distinguished over the cited references. Claims 8-16 depend from Claim 7 and are therefore patentable for at least this reason. Claims 8-16 are also patentable due to the unique combination of features recited therein. Therefore, Applicants respectfully request allowance of Claims 7-16.

Claim 17

Claim 17 has been amended to recite, among other things, "creating on demand a decryption algorithm for decrypting the encrypted digital content." Claim 17 is believed to be patentable for the reasons discussed above with respect to Claim 7 and because of the different features recited therein. In addition, Claims 18-20 depend from Claim 17 and are therefore patentable for at least this reason. Claims 18-20 are also patentable due to the unique combination of features recited therein. Therefore, Applicants respectfully request allowance of Claims 17-20.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

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Conclusion

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

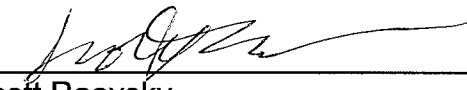
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

1/25/08

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